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007272-000046.281735

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re patent application of:

Han H. Nee

Application No.: 10/763,697

Filed: January 23, 2004

METAL ALLOYS FOR THE REFLECTIVE  
OR THE SEMI-REFLECTIVE LAYER OF  
AN OPTICAL STORAGE MEDIUM

Before the Examiner:  
Elizabeth Evans Mulvaney

Group Art Unit:  
1774

**INFORMATION DISCLOSURE STATEMENT**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Pursuant to the duty of disclosure embodied in 37 C. F. R. § 1.56, Applicant wishes to bring to the attention of the Examiner the items of information listed on the enclosed Information Disclosure Citation form.

This information has not been previously submitted in this application, and has not been heretofore cited by the Examiner. Copies of the listed references with an "\*" adjacent the number are not being provided pursuant to 37 C. F. R. § 1.98(d), because they were previously considered in an

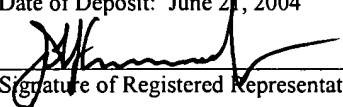
06/25/2004 EAREGAY1 00000098 10763697

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I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on:

Date of Deposit: June 21, 2004

  
Signature of Registered Representative: John J. Emanuele

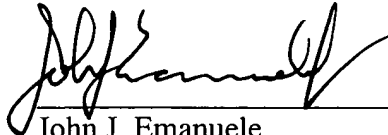
application to which priority is claimed under 35 U.S.C. §120 as follows. This application is a continuation of Application No. 10/457,935, filed June 10, 2003, which is a continuation-in-part of Application No. 10/342,649, filed January 15, 2003, which is a continuation-in-part of Application No. 10/090,855, filed March 4, 2002, which is a continuation-in-part of Application No. 09/661,062, filed September 13, 2000, now Patent 6,451,402, issued on September 17, 2002, which is a continuation-in-part of Application No. 09/557,135, filed April 25, 2000, which is a continuation-in-part of Application No. 09/438,864, filed November 12, 1999, now Patent No. 6,280,811, issued on August 28, 2001, which is a continuation-in-part of Application No. 09/102,163, filed June 22, 1998, now Patent No. 6,007,889, issued on October 28, 2002, and is also a continuation-in-part of Application No. 10/409,037, filed on April 8, 2003, which is a continuation-in-part of Application No. 09/834,775, filed on April 13, 2001, now Patent No. 6,544,616, issued on April 8, 2003, which claims the benefit of Provisional Application 60/219,843. These patents have been identified on an accompanying INFORMATION DISCLOSURE CITATION FORM.

This Statement is being submitted after the mailing of an Office Action on the merits, but before the mailing of any Final Office Action. The fee of \$180 as required under 37 C.F.R. § 1.17(p) is enclosed. Therefore, it is believed that no additional fees are due. However, the Commissioner is authorized to charge any fee due as set forth in § 1.17(p) and to charge any additional fees which may be due with this filing to Deposit Account No. 23-3030, but not to include any payment of issue fees.

Enclosed is a brief summary of on-going litigation involving patents related to the instant application. This paper is provided to comply with MPEP 2001.06.

The filing of this Information Disclosure Statement shall not be construed as an admission that the information cited is, or is considered to be, material to patentability as defined in § 1.56(b).

Respectfully submitted:

A handwritten signature in black ink, appearing to read "John J. Emanuele", is written over a horizontal line.

John J. Emanuele

Reg. No. 51,653

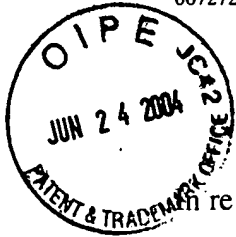
Woodard, Emhardt, Moriarty, McNett & Henry

Bank One Center Tower

111 Monument Circle, Suite 3700

Indianapolis, Indiana 46204-5137

(317) 634-3456



## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

re patent application of:

Han H. Nee

Application No.: 10/764,166

Filed: January 23, 2004

METAL ALLOYS FOR THE REFLECTIVE  
OR THE SEMI-REFLECTIVE LAYER OF  
AN OPTICAL STORAGE MEDIUM

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Before the Examiner:

Not Yet Assigned

Group Art Unit

**BRIEF SUMMARY OF LITIGATION INVOLVING RELATED PATENTS AND  
APPLICATIONS.**

**THIS PAPER IS BEING FILED AS PART OF AN  
INFORMATION DISCLOSURE STATEMENT**

Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450

Sir:

The Applicant wishes to bring to the attention of the Office that the parent patents of the aforementioned continuation patent application are currently involved in litigation in the United States District Court for Western District of New York, Buffalo Division, Civil Docket No. 1:30-cv-00276-RJA-VEB. Though the present application is not a reissue application and though the pending claims of the present application are not themselves the subjects of a lawsuit, the instant Information Disclosure Statement is being offered in response to the suggestion contained in MPEP §2001.06 that the existence of litigation and issues raised therein should be brought to the attention of the patent examiner.

The patents currently in litigation are U.S. Patent Nos. 6,007,889; 6,286,811; 6,451,402; and 6,544,616. Among the opposing party's defenses, the opposing party has asserted that claims

10 and 35 of U.S. Patent No. 6,286,811 and claim 73 of U.S. Patent No. 6,544,616 are invalid over the prior art. As best as the applicant can presently understand, the opposing party positions are that:

--claim 10 of '811 is allegedly invalid under 35 USC §§ 102 or 103 over the combination of EP 0594516 to Hatwar combined with European Patent Application No. EP 0737966 to Kaneko, U.S. Patent No. 5,640,382 to Florczak, U.S. Patent No. 4,450,553 to Holster, or European Patent Application EP 0720159 to Moriaya;

--claim 35 of '811 is allegedly invalid under 35 USC §§ 102 or 103 over the combination of Japanese Unexamined Patent Application 07-105575 or Japanese Unexamined Patent Application 10-011799 combined with European Patent Application No. EP 0737966 to Kaneko, U.S. Patent No. 5,640,382 to Florczak, U.S. Patent No. 4,450,553 to Holster, or European Patent Application EP 0720159 to Moriaya, and

--claim 73 of '616 is allegedly invalid under 35 USC §§ 102 or 103 over Japanese publication 09-212915 to Miyashita or U.S. Patent No. 4,404,656 to Cornet combined with European Patent Application No. EP 0737966 to Kaneko, U.S. Patent No. 5,640,382 to Florczak, U.S. Patent No. 4,450,553 to Holster, or European Patent Application EP 0720159 to Moriaya.

Copies of all these references have been submitted to the patent examiner.

The opposing party has also asserted that the Applicant is guilty of inequitable conduct in the above-named litigation. In this regard, the opposing party has:

--alleged that the Applicant had a duty to translate into English, all of the Japanese references the Applicant submitted to the patent office as prior art. (Applicant submitted copies of the readily available, Official English language abstracts of these references.);

--alleged that the Applicant intentionally withheld the English language abstract for Japanese

Unexamined Patent Publication 02192046 from the patent office (an English language

translation of the entire document was submitted to the patent office the day after it was received from the opposing party);

--alleged that the Applicant intentionally withheld U.S. Patent No. 4,404,656 to Cornet from the patent office (a copy of the reference was submitted to the patent office within days after the omission was discovered), and

--alleged that the Applicant has intentionally not informed the patent office that the above-identified patents were in litigation.

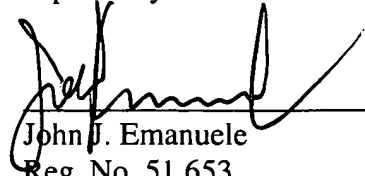
The Applicant also wishes to bring to the attention of the Office that the parent patents of the aforementioned continuation patent application are currently involved in litigation in the United States District Court for the District of New Mexico, Civil Docket No. 04-0008 BDB DJS. Though the present application is not a reissue application and though the pending claims of the present application are not themselves the subjects of a lawsuit, the instant Information Disclosure Statement is being offered in response to the suggestion contained in MPEP §2001.06 that the existence of litigation and issues raised therein should be brought to the attention of the patent examiner.

The patents currently in litigation are U.S. Patent Nos. 6,007,889; 6,286,811; 6,451,402; and 6,544,616. Among the opposing party's defenses, the opposing party has asserted that claims of these patents are invalid under 35 USC § 102 or 103 over U.S. Patent No. 6,232,036 or that the patents do not meet the requirements of 35 USC § 112.

If the Office requires any addition information concerning the aforementioned litigation or any other information relating to the prosecution of the pending application the Applicant

respectfully requests that the Office contact the undersigned either telephonically or by mail in the next Official Action with the inquiry.

Respectfully submitted:

A handwritten signature in black ink, appearing to read "John J. Emanuele", is written over a horizontal line.

John J. Emanuele

Reg. No. 51,653

Woodard, Emhardt, Moriarty,

McNett & Henry, LLP

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Indianapolis, Indiana 46204-5137

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**INFORMATION DISCLOSURE CITATION:**

(Use several sheets if necessary)

Page 1 of 3

007272-000046.281743

Atty. Docket No.: 7272-46

Serial No.: 10/763,697

Applicant Han Nee

Filing Date: January 22, 2004

Group Art: 1774

**U.S. PATENT DOCUMENTS**

Examiner Initial		DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	Filing Date If appropriate
	*	6,232,036	05/15/01	Suzuki et al.			
	*	US 2003/0180495 A1	09/25/03	Ito et al.			
	*	US 2003/0215598 A1	11/20/03	Nee			
	*	4,404,656	9/13/83	Cornet et al.			
	*	4,405,994	9/20/83	Cornet et al.			
	*	4,450,553	5/22/84	Holster et al.			
	*	4,709,363	11/24/87	Dirks et al.			
	*	4,998,239	3/5/91	Strandjord et al.			
	*	5,090,009	2/18/92	Hamada et al.			
	*	5,093,174	3/3/92	Suzuki et al.			
	*	5,171,392	12/15/92	Iida et al.			
	*	5,325,351	6/28/94	Uchiyama et al.			
	*	5,391,462	2/21/95	Arioka et al.			
	*	5,415,914	5/16/95	Arioka et al.			
	*	5,419,939	5/30/95	Arioka et al.			
	*	5,498,507	3/12/96	Handa et al.			
	*	5,620,767	4/15/97	Harigaya et al.			
	*	5,640,382	6/17/97	Florczak et al.			
	*	5,820,994	10/13/98	Gotoh et al.			
	*	6,007,889	12/28/99	Nee			
	*	6,280,811	08/28/01	Nee			
	*	6,451,402	09/17/02	Nee			
	*	5,853,872	12/29/98	Shimamori et al.			
	*	5,753,413	05/19/98	Nishida et al.			
	*	5,948,497	09/07/99	Hatwar et al.			
	*	5,093,174	03/03/92	Suzuki et al.			
	*	6,544,616	04/08/03	Nee			
	*	6,007,887	12/28/99	Hatwar et al.			
	*	6,228,457	05/08/01	Ueno et al.			
	*	US2003/0081537	05/01/03	Shinotsuka			
	*	US2002/0150772	10/17/02	Nakai et al.			
	*	US2003/0003395	01/02/03	Yuzurihara et al.			
	*	US2003/0008236	01/09/03	Yamada et al.			
	*	US2002/0122913	09/05/02	Nee			
	*	US2002/0034603	03/21/02	Nee			
	*	5,673,251	09/30/97	Suzuki et al.			
	*	6,242,068 B1	06/05/01	Preuss			
	*	6,292,457 B1	09/18/01	Preuss et al.			
	*	6,351,446 B1	02/26/02	Weinzerl et al.			

Examiner

Date Considered

**Examiner:** initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.



<b>INFORMATION DISCLOSURE CITATION:</b> (Use several sheets if necessary) Page 2 of 3	Atty. Docket No.: 7272-46	Serial No.: 10/763,697
	Applicant: Han Nee	
	Filing Date: January 23, 2004	Group Art: 1774

**FOREIGN PATENT DOCUMENTS**

		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	Translation	
							Yes	No
	*	03286432A	12/17/91	JP				
	*	05012710	1/22/93	JP				
	*	07014221A	1/17/95	JP				
	*	07105575A	4/21/95	JP				
	*	08297858	11/12/96	JP				
	*	09007226	1/10/97	JP				
	*	08158147	1/19/98	JP				
	*	08149725	12/2/97	JP				
	*	08115029	11/28/97	JP				
	*	08050199	9/19/97	JP				
	*	08019648	8/15/97	JP				
	*	08014667	8/5/97	JP				
	*	08035523	8/5/97	JP				
	*	07139459	12/17/96	JP				
	*	07076177	10/18/96	JP				
	*	07038628	9/13/96	JP				
	*	07223758	5/17/96	JP				
	*	06253971	5/17/96	JP				
	*	06206963	3/22/96	JP				
	*	06225691	3/8/96	JP				
	*	06141602	1/12/96	JP				
	*	06143042	1/12/96	JP				
	*	06123718	12/22/95	JP				
	*	06111259	12/8/95	JP				
	*	07116045	12/8/95	JP				
	*	07036958	10/13/95	JP				
	*	06065594	10/3/95	JP				
	*	05312129	6/27/95	JP				
	*	05277809	4/25/95	JP				
	*	05251824	4/21/95	JP				
	*	05249821	4/4/95	JP				
	*	05233110	3/31/95	JP				
	*	05179739	3/20/95	JP				
	*	05215547	3/17/95	JP				
	*	05195011	2/21/95	JP				
	*	06107566	1/6/95	JP				
	*	05115763	11/25/94	JP				
	*	05215634	9/30/94	JP				

Examiner

Date Considered

**Examiner:** initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<b>INFORMATION DISCLOSURE CITATION:</b> (Use several sheets if necessary) Page 3 of 3				Atty. Docket No.: 7272-46		Serial No.: 10/763,697		
				Applicant: Han Nee				
				Filing Date: January 22, 2004		Group Art: 1774		
<b>FOREIGN PATENT DOCUMENTS</b>								
		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	Translation	
							Yes	No
	*	04-176039	06/23/92	JP				
	*	WO 00/21079	4/13/00	PCT				
	*	WO 97/22968	06/26/97	PCT				
	*	273193/96	10/18/96	JP				
	*	324133/92	11/13/92	JP				
	*	325406/94	05/10/93	JP				
	*	25515/99	07/03/97	JP				
	*	WO 02/2054396	07/11/02	PCT				
	*	2,401,389	07/11/02	CA				
	*	2000-402146	07/11/02	JP				
	*	2000-228032	08/15/00	JP				
	*	10-177742	06/30/98	JP				
	*	403025737	02/04/91	JP				
	*	411012734	01/19/99	JP				
	*	0 798 401 A2	10/01/97	EP				
	*	0 720 159 A2	07/03/96	EP				
	*	0 745 985 A2	12/04/96	EP				
	*	0 737 966 A1	10/16/96	EP				
	*	07-006427	01/10/95	JP				
	*	XP-002260270	06/12/92	JP				
	*	0 917 137 A1	05/19/99	EP				
	*	0 867 868 A2	09/30/98	EP				
<b>NON PATENT DOCUMENTS</b>								
*Examiner Initial		PUBLICATION						
	*	English Translation of PCT Publication No. WO 00/21079						
	*	English Translation of EP Publication No. 0 594 516 B1						
	*	English Translation of JP Publication No. 02-192046						
	*	English Translation of JP Publication No. 10-011799						
	*	English Translation of JP Publication No. 09-212915						
	*	English Translation of JP Publication No. 07-105575						
	*	BOND, W.L. Notes on Solution of Problems in Odd Job Vapor Coating, J. Optical Society of America, June 1954, pp. 429-38, Vol. 44, No. 6.						
Examiner				Date Considered				